

United States Court of Appeals For the First Circuit

No. 20-1474

JOCELYNE WELCH, as personal representative of the Estate of Alivia Welch,

Plaintiff, Appellant,

SUSAN JOHNSON, individually and on behalf of her minor son B.L. and on behalf of Derrick
Thompson, deceased,

Plaintiff,

v.

CITY OF BIDDEFORD POLICE DEPARTMENT; ROGER P. BEAUPRE, individually and as
Chief of Biddeford Police Department; EDWARD DEXTER, individually and as an employee of
Biddeford Police Department; JACOB WOLTERBEEK, individually and as an employee of
Biddeford Police Department; CITY OF BIDDEFORD; JANE DOES,

Defendants, Appellees,

MAINE DEPARTMENT OF PUBLIC SAFETY; JOHN E. MORRIS, individually and as
Commissioner of Maine Department of Public Safety,

Defendants.

No. 20-1481

SUSAN JOHNSON, individually and on behalf of her minor son B.L. and on behalf of Derrick
Thompson, deceased,

Plaintiff, Appellant,

JOCELYNE WELCH, as personal representative of the Estate of Alivia Welch,

Plaintiff,

v.

CITY OF BIDDEFORD POLICE DEPARTMENT; ROGER P. BEAUPRE, individually and as
Chief of Biddeford Police Department; EDWARD DEXTER, individually and as an employee of

Biddeford Police Department; JACOB WOLTERBEEK, individually and as an employee of
Biddeford Police Department; CITY OF BIDDEFORD; JANE DOES,

Defendants, Appellees,

MAINE DEPARTMENT OF PUBLIC SAFETY; JOHN E. MORRIS, individually and as
Commissioner of Maine Department of Public Safety,

Defendants.

JUDGMENT

Entered: August 27, 2021

This cause came on to be heard on appeal from the United States District Court for the District of Maine and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's grant of summary judgment as to the 42 U.S.C. § 1983 and Maine Civil Rights Act claims, Me. Rev. Stat. Ann., tit. 5, § 4682(1-A), against Officer Dexter and the Monell claims, Monell v. Dep't of Soc. Servs., 436 U.S. 658 (1978), against Police Chief Beaupre and the City of Biddeford are vacated, and the matter is remanded remand for further consideration in light of the opinion issued this day and Irish v. Fowler, 979 F.3d 65 (1st Cir. 2020).

The district court's grant of summary judgment as to the 42 U.S.C. § 1983 claims against Officer Wolterbeek and all other claims against the defendants is affirmed.

No costs awarded. See Fed. R. App. P. 39(a).

By the Court:

Maria R. Hamilton, Clerk

cc: Hon. Jon David Levy, Christa Berry, Clerk, United States District Court for the District of Maine, Kristine C. Hanly, Douglas I. Louison, Joseph Adam Padolsky, Christopher C. Taub